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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Sherman Kappe and Gloria Kappe,)	
)	
Plaintiff,)	Case No. 2:18-cv-01249-RFB-VCF
)	
v.)	Stipulation to Extend Deadlines
)	
United States of America,)	(Third Request)
)	
Defendant.)	

Pursuant to Local Rule IA 6-1 and Local Rule 26-4(d), the parties, by and through their respective counsel, hereby stipulate, for good cause, to extend all post-discovery deadlines for **sixty (60) days** to accommodate the parties' agreement to conduct depositions outside the discovery period due to a previously unknown medical necessity for Plaintiff Gloria Kappe.

The Court entered the Discovery Plan and Scheduling Order on October 26, 2018, wherein it granted the parties 270 days to complete discovery. ECF No. 9. Since that time, the parties have voluntarily exchanged as much information as possible, including relevant medical records. The parties have also maintained open dialogue regarding potential early resolution, and worked diligently together to complete discovery in manner consistent with Fed. R. Civ. P. 1. This extension is not sought for the purposes of delay or any other improper purpose, but to

1 permit the parties to complete the last remaining depositions outside the discovery period.

2 **1. Discovery Completed**

3 The parties have voluntarily exchanged significant information, including several hundred
4 pages of relevant medical records and other documentary evidence. The parties have also
5 exchanged initial disclosures. The United States has disclosed an expert that it intends to call to
6 testify at trial. Plaintiffs have deposed Captain Mister Jonathan Jackson III, who was a United
7 States' employee operating within the course and scope of his employment at the time of the
8 incident giving rise to this complaint.

9 **2. Discovery Remaining**

10 The parties believe that all discovery has been completed, with the exception of the
11 depositions of Plaintiff Sherman Kappe and Plaintiff Gloria Kappe. To that end, the parties
12 agreed to take the depositions on October 22, 2019, and deposition notices were timely served.
13 Thereafter, Mrs. Kappe was advised that she needed to undergo a significant medical procedure
14 on October 18, 2019, and is, therefore, unable to travel to the deposition. Given the significance
15 of the medical procedure, associated recovery time, and necessity of Mrs. Kappe's deposition, the
16 parties agreed to conduct the deposition on November 18, 2019, which falls outside the close of
17 discovery in this matter. Because there are no other known discovery needs, the parties do not
18 wish to extend the discovery deadline. They seek only to extend the post-discovery deadlines to
19 accommodate Mrs. Kappe's medical needs, conserve resources, and save costs.

20 **3. Reasons For Additional Time**

21 The reason for the requested extension is two-fold. First, the parties want to accommodate
22 Mrs. Kappe and ensure she is able to undergo her medical procedure and have sufficient time for
23 recovery prior to her deposition. The parties also wish to take Mr. and Mrs. Kappe's depositions
24 on the same day to conserve costs and resources. Lastly, the parties want to ensure there is
25 sufficient time to obtain the deposition transcripts and evaluate the possibility of settlement (or a
26 settlement conference) prior to the dispositive motions deadline.

1 **4. Proposed Schedule For Remaining Discovery**

2 A. Dispositive Motions

December 27, 2019

3 B. Pretrial Order

January 27, 2020

4 The new pretrial order deadline is 31 days after the deadline for filing dispositive motions
5 (30 days after falls on a Sunday so the deadline is moved to the next business day). In the event
6 dispositive motions are filed, the date for filing the joint pretrial order is 30 days after the Court
7 issues an order on the dispositive motion/s.

8 Respectfully submitted this 21st day of October 2019.

9 DAVID BOEHRER LAW FIRM

NICHOLAS A. TRUTANICH
United States Attorney

10 /s/ Travis J. Rich

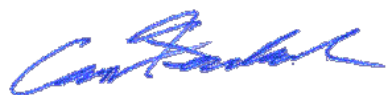
/s/ Mark E. Woolf

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16 **IT IS SO ORDERED.**

17
18 

19 **Cam Ferenbach**
20 **United States Magistrate Judge**

21 **Dated:** 10-21-2019